

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Erin Capriotti	:	CIVIL ACTION
	:	
v.	:	
	:	
The Secretary of Housing and Urban Development	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>11/30/2020</u>	<u>Eric D. Gill</u>	<u>United States of America</u>
Date	Attorney-at-law	Attorney for
<u>215-861-8250</u>	<u>215-861-8618</u>	<u>eric.gill@usdoj.gov</u>
Telephone	FAX Number	E-Mail Address

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____

Address of Defendant: _____

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ **is** / ☐ **is not** related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ /s/ Eric D. Gill _____
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☐ 6. Labor-Management Relations
☐ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability – Asbestos
☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: _____ /s/ Eric D. Gill _____
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ERIN CAPRIOTTI,
3007 Spring Mill Rd.
Plymouth Meeting, PA 19462

Plaintiff,

v.

THE SECRETARY OF HOUSING AND
URBAN DEVELOPMENT,
451 Seventh Street, SW
Washington, D.C. 20410

Defendant.

Civil Action No.

NOTICE OF REMOVAL

Defendant United States of America, ex rel. the U.S. Department of Housing and Urban Development, gives notice to the Plaintiff and to the state court as follows:

1. The U.S. Department of Housing and Urban Development (“HUD”), an agency of the United States, is named as a defendant in a civil action now pending in the Court of Common Pleas of Delaware County, titled *Erin Capriotti v. The Secretary of Housing and Urban Development*, CV 2020-005055. Trial has not been held in this case.
2. The above-referenced action was filed in Pennsylvania Commonwealth Court on August 10, 2020. A notice of default against HUD was filed on October 23, 2020. Neither the complaint nor the notice of default were properly served on HUD, as neither pleading was served on either the United States Attorney General nor the United States Attorney for the Eastern District of Pennsylvania. Accordingly, the service requirements set forth in Federal Rule of Civil Procedure 4(i)(1) have not been met.
3. A copy of the Complaint in the state court action is attached as an exhibit to this Notice of Removal, as required by 28 U.S.C. § 1446(a).

4. This Notice of Removal is filed pursuant to Title 28, United States Code, Sections 1441(a), 1442(a)(1), and 1444. Because HUD, an agency of the United States, is named as a defendant in this action, and because this action is in respect to real property on which the United States claims a lien, the federal court has original jurisdiction pursuant to 28 U.S.C. § 1346.

WHEREFORE, notice is given that the above-referenced action, No. CV 2020-005055, currently pending in the Court of Common Pleas for Delaware County, Civil Division, is removed from the Pennsylvania Commonwealth court into this Court for trial or such other determination as this Court may make regarding the action in accordance with its jurisdictional limits under 28 U.S.C. §§ 1346, 1441, 1442(a)(1), and 1444.

Dated: November 30, 2020

Respectfully submitted,

WILLIAM McSWAIN
United States Attorney

/s/ Gregory David
GREGORY DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ Eric D. Gill
ERIC D. GILL
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8250
Eric.gill@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on this date I caused a copy of the United States' Notice of Removal and the exhibits attached thereto to be filed with the Clerk of Court and I caused a copy of the foregoing documents to be sent via email and first class mail to:

Scott M. Rothman, Esq.
Curley & Rothman LLC
Spring Mill Corporate Ctr.
1100 E. Hector Street, Suite 425
Conshohocken, PA 19428
SRothman@curleyrothman.com

Counsel for Plaintiff

Dated: November 30, 2020

/s/ Eric D. Gill
ERIC D. GILL
Assistant U.S. Attorney

EXHIBIT A

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

Delaware

County

For Prothonotary Use Only:

Docket No:

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint
 ☐ Writ of Summons
 ☐ Petition
 ☐ Declaration of Taking
 ☐ Transfer from Another Jurisdiction

Lead Plaintiff's Name:

Erin Capriotti

Lead Defendant's Name:

The Secretary of Housing and Urban Development

Are money damages requested? ☐ Yes ☒ No
 Dollar Amount Requested: ☐ within arbitration limits
☐ outside arbitration limits
 (check one)
Is this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Scott M. Rothman, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other: _____

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other _____
☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other _____
☐ Other: _____

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other _____

- ☐ Zoning Board
☐ Other: _____

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other: _____

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☒ Quiet Title
☐ Other: _____

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other: _____

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: _____

CURLEY & ROTHMAN LLC

By: Scott M. Rothman
Attorney I.D. No. 201478
Spring Mill Corporate Center
1100 E. Hector Street, Suite 425
Conshohocken, PA 19428
610 834 8819
610 834 8813 (fax)
Attorneys for Plaintiff

ERIN CAPRIOTTI 3007 Spring Mill Rd. Plymouth Meeting, PA 19462 Plaintiff, v. THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT 451 Seventh Street, SW Washington, DC 20410 Defendant.	COURT OF COMMON PLEAS DELAWARE COUNTY, PA CIVIL ACTION—QUIET TITLE NO.
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NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERENCE AND INFORMATION SERVICE

Lawyers' Reference Service
Front and Lemon Streets
Media, PA 19063
(610) 566-6625

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ES CRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

LAWYER REFERENCE AND INFORMATION SERVICE

Lawyers' Reference Service
Front and Lemon Streets
Media, PA 19063
(610) 566-6625

CURLEY & ROTHMAN LLC

By: Scott M. Rothman
Attorney I.D. No. 201478
Spring Mill Corporate Center
1100 E. Hector Street, Suite 425
Conshohocken, PA 19428
610 834 8819
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Attorneys for Plaintiff

ERIN CAPRIOTTI 3007 Spring Mill Rd. Plymouth Meeting, PA 19462 Plaintiff, v. THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT 451 Seventh Street, SW Washington, DC 20410 Defendant.	COURT OF COMMON PLEAS DELAWARE COUNTY, PA CIVIL ACTION—QUIET TITLE NO.
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COMPLAINT

Plaintiff Erin Capriotti, through her undersigned counsel, by way of Complaint brought pursuant to Pa. R.C.P. No. 1061 *et seq.*, avers as follows:

Parties

1. Plaintiff herein is Erin Capriotti (“Plaintiff”), an adult individual with a residential and/or business address as noted in case caption.
2. Defendant, The Secretary of Housing and Urban Development (“Defendant” or “HUD”), is a federal governmental agency, with a business address as noted in the case caption.

Jurisdiction and Venue

3. Jurisdiction and venue are proper given that the real property at issue is located in Delaware County, Pennsylvania.

Facts

4. The Property subject to this Action is known as Folio Number 33-00-02163-00 in the County of Delaware, Commonwealth of Pennsylvania, with a mailing address of 515 13th Avenue, Prospect Park, PA 19076 (the “Property”). The Property is more particularly described in the legal description attached to the Complaint as Exhibit “A”.

5. Plaintiff acquired the Property at a statutory judicial tax sale (the “Tax Sale”) held by the Sheriff’s office on behalf of the Tax Claim Bureau of Delaware County (the “Bureau”).

6. The Tax Sale was held on May 9, 2019.

7. Plaintiff was the high bidder and satisfied all requirements to complete the acquisition of the Property through the judicial sale process.

8. On or about June 19, 2019, the Bureau executed and delivered to Plaintiff a Tax Claim Bureau Deed (“Plaintiff’s Deed”)

9. Plaintiff’s Deed was recorded with the Delaware County Office of the Recorder of deeds on June 19, 2019 as document # 2019032437.

10. A true and correct copy of the recorded Plaintiff’s Deed is attached hereto as Exhibit “B.”

11. Because the Tax Sale was a judicial tax sale free and clear of all liens, the title conveyed by the Bureau under Plaintiff’s Deed is not subject to any mortgages or other liens filed on record prior to the Tax Sale.

12. According to the Bureau’s file associated with the Tax Sale, the Bureau served Notice of the Tax Sale on all record lien holders, including Defendant HUD.

13. Prior to the Tax Sale, Defendant HUD was the holder, by assignment of two mortgages recorded as liens against the Property, to wit:

a. An Open-End Mortgage dated 07/07/2012, recorded on 09/20/2012 in Record Book 5188, Page 2280, granted by former owner Anna P. O'Donnell, in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for Genworth Financial Home Equity Access, Inc., and last Assigned to The Secretary of Housing and Urban Development on 10/04/2016 in Record Book 5886, Page 1289 (the "1st HUD Mortgage").

b. A Mortgage dated 07/07/2012, recorded on 09/20/2012 in Record Book 5188, Page 2292, granted by former owner Anna P. O'Donnell, in favor of Mortgage Electronic Registration Systems, Inc., solely as nominee for The Secretary of Housing and Urban Development (the "2nd HUD Mortgage").

14. Hereinafter, the 1st HUD Mortgage and the 2nd HUD Mortgage shall be referred to collectively as the "HUD Mortgages."

15. The Bureau's file includes a ledger showing all parties whom the Bureau sent the Notice of the Tax Sale.

16. A copy of the ledger is attached hereto as Exhibit "C."

17. Defendant HUD is included in the list of recipients on the ledger.

18. On page two of the ledger, Defendant HUD is scheduled as a recipient of the Notice of the Tax Sale.

19. At the top of the ledger, it shows that the Bureau sent all listed parties the Notice via "Registered Mail."

20. Upon information and belief, the Bureau sent the Notice of the Tax Sale to Defendant HUD at the address listed for Defendant HUD on the ledger, i.e. 451 Seventh Street, SW, Washington, DC 20410.

21. Defendant HUD received the Notice of the Tax Sale at the address listed for Defendant HUD on the ledger.

22. Plaintiff brings this quiet title action, in an abundance of caution, to confirm that Plaintiff's title to the Property is free and clear of the HUD Mortgages.

23. Stated otherwise, Plaintiff seeks a quiet title decree to establish that Defendant HUD's purported mortgage liens were divested through the Tax Sale.

24. Plaintiff has satisfied any and all condition precedent to her right to the relief set forth below.

Count I—Action to Quiet Title

25. Plaintiff incorporates the foregoing averments of this pleading as if restated at length in support of this Count.

26. Under Pa.R.Civ.P. 1061 *et seq.*, a party with an interest in real property can bring a civil action for quiet title relief against any other party which may has, or had, an adverse interest, claim, or other right to the subject property.

27. In this case, Defendant HUD had a record mortgage lien interest encumbering the title to the subject Property.

28. Plaintiff does not know whether Defendant HUD's record mortgage lien was ever a valid lien against the title.

29. If Defendant HUD's record mortgage liens were valid liens prior to the Tax Sale, said mortgage liens were divested through the Tax Sale conducted pursuant to the judicial sale provisions of Pennsylvania's Real Estate Tax Sale Law (the "RETSL").

30. Under 72 P.S. § 5860.611, subtitled "Service of rule," the RESTL provides that "the rule shall be served on the person named in the rule by the sheriff, by sending him, by

registered mail, return receipt requested, postage prepaid, at least fifteen (15) days before the return day of the rule, a true and attested copy thereof, addressed to such person's last known post office address."

31. In this case, the Bureau's ledger demonstrates that Defendant HUD, being located outside the Commonwealth, was served via registered mail, return receipt requested, postage prepaid, at least fifteen (15) days prior to the return day.

32. In previous appellate decision involving a mortgage lienholder's challenge to service of the notice, *In re Sale of Real Estate by Monroe County Tax Claim Bureau*, 91 A.3d 265 (Pa. Commw. Ct. 2014), the Commonwealth Court held that where a mortgagee sought to set aside a judicial tax sale on the basis that the tax claim bureau did not properly serve it with the rule to show cause, as the sheriff's return stated that the mortgagee had been properly served, and the bureau could have reasonably assumed that the address listed on the owners' mortgage documents and in the mortgagee's foreclosure action was the mortgagee's correct address, the bureau had not been required to make any additional efforts at service.

33. Applied here, this holding compels the conclusion that the Bureau properly served Defendant HUD with the Notice of the Tax Sale at the last known address for Defendant HUD, via registered mail, return receipt requested, postage prepaid, more than 15 days prior to the return date.


34. Accordingly, Plaintiff respectfully requests a judicial decree quieting title in her favor, declaring that the 1st HUD Mortgage and the 2nd HUD Mortgage were each divested as liens against the Property following the Tax Sale, declaring that the title conveyed by the Bureau under Plaintiff's Deed is free and clear of Defendant HUD's divested mortgage liens,

and forever barring Defendant HUD from asserting or claiming any right or interest in the Property on account of either of the HUD Mortgages.

WHEREFORE, Plaintiff Erin Capriotti seeks judgment in her favor and against Defendant, The Secretary of Housing and Urban Development, in the form of a quiet title decree or order as described above, together with taxable costs, and such other and further relief as warranted by law or equity.

Date: 08/10/2020

CURLEY & ROTHMAN LLC

By: 

Scott M. Rothman
Attorneys for Plaintiff

VERIFICATION

I, Erin Capriotti, the Plaintiff in this action, hereby verify the factual statements contained in the foregoing Complaint are true and correct to the best of my present knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 8/7/20

Erin Capriotti

CURLEY & ROTHMAN LLC

By: Scott M. Rothman
Attorney I.D. No. 201478
Spring Mill Corporate Center
1100 E. Hector Street, Suite 425
Conshohocken, PA 19428
610 834 8819
610 834 8813 (fax)
Attorneys for Plaintiff

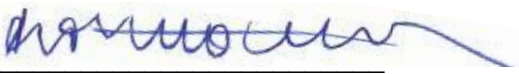
ERIN CAPRIOTTI 3007 Spring Mill Rd. Plymouth Meeting, PA 19462 Plaintiff, v. THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT 451 Seventh Street, SW Washington, DC 20410 Defendant.	COURT OF COMMON PLEAS DELAWARE COUNTY, PA CIVIL ACTION—QUIET TITLE NO.
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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently that non-confidential information and documents.

CURLEY & ROTHMAN LLC

Date: 08/10/2020

By: 
Scott M. Rothman
Attorneys for Plaintiff

CURLEY & ROTHMAN LLC

By: Scott M. Rothman
Attorney I.D. No. 201478
Spring Mill Corporate Center
1100 E. Hector Street, Suite 425
Conshohocken, PA 19428
610 834 8819
610 834 8813 (fax)
Attorneys for Plaintiff

ERIN CAPRIOTTI 3007 Spring Mill Rd. Plymouth Meeting, PA 19462 Plaintiff, v. THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT 451 Seventh Street, SW Washington, DC 20410 Defendant.	COURT OF COMMON PLEAS DELAWARE COUNTY, PA CIVIL ACTION—QUIET TITLE NO. CV-2020-005055
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PRAECIPE TO ATTACH

TO THE PROTHONOTARY:

Kindly attach the following Exhibits to the Complaint that was filed on August 10, 2020.

CURLEY & ROTHMAN LLC

Date: 08/1/2020

By: 

Scott M. Rothman
Attorney for Plaintiff

EXHIBIT 1

**First American****Exhibit A**

ISSUED BY

First American Title Insurance Company

File No: 8114-4718101

Issuing Office File Number: PA-1965

The land referred to herein below is situated in the County of Delaware, State of Pennsylvania, and described as follows:

ALL THAT CERTAIN lot or piece of land with the buildings and improvements thereon erected, situate in the Borough of Prospect Park, County of Delaware and State of Pennsylvania, being Lot No. 40 on a certain plan of lots and described according thereto as follows:

SITUATE on the Northwest side of 13th Avenue at the distance of 169 feet 3 inches Southwestward from the Southwest side of Amosland Road.

CONTAINING in front or breadth on the said 13th Avenue 50 feet and extending of that width in length or depth Northwestward 150 feet; bounded on the Northeast, Northwest and Southwest by lands now or late of Sarah Moor Durning and on the Southeast by 13th Avenue aforesaid.

FOLIO NO. 33000216300

BEING the same premises which Tax Claim Bureau, of the County of Delaware, Pennsylvania, as Trustee, by Deed dated 06/19/2019 and recorded 06/19/2019 in the Office of the Recorder of Deeds in and for the County of Delaware in Record Book 6341, Page 490, granted and conveyed unto Erin Capriotti.

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice, the Commitment to Issue Policy, the Commitment Conditions, Schedule A, Schedule B, Part I - Requirements, and Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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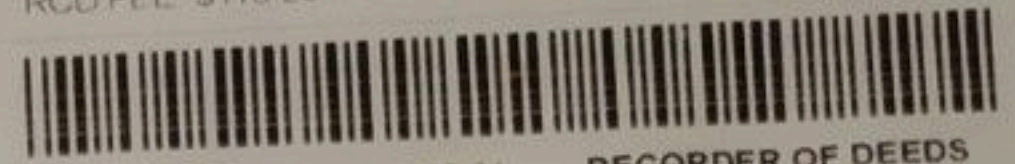
EXHIBIT 2

T.C.B. 23

RD BK06341-0490

2019032437 06/19/2019 03:23:09 PM:1

RCD FEE \$116.25 POL SUB TAX \$1,782.61 ST TAX \$1,782.61

DELAWARE
COUNTY

33-PROSPECT PRK \$1,782.61

RECORDER OF DEEDS

Judicial Sale

TAX CLAIM BUREAU DEED

THIS DEED, Made this 19th day of June 2019,
between the **TAX CLAIM BUREAU**, of the County of Delaware, Pennsylvania, as Trustee, **GRANTOR**,
and **Capriotti, Erin**

GRANTEE, his, her, or their heirs, assigns, and successors.

WITNESSETH, that in consideration of the sum of Forty-Four Thousand And Sixty-Nine Dollars And Zero Cents (\$44,069.00) in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, his, her, their heirs, assigns and successors, in accordance with the Real Estate Tax Sale Law of July 7, 1947, P.L. 1368, as amended, (72 P.S. 58.101 et seq.)

ALL THAT CERTAIN tract, piece or parcel of **SEATED** land containing
515 13th Avenue
2 sty duplex
50 x 150
exhibit a-attached

Property Situate Borough of Prospect Park
County of Delaware and Commonwealth of Pennsylvania.
All Real Estate Taxes satisfied up to and including 2019 County and Township Taxes

Folio# 33-00-02163-00

BEING the property formerly owned or reputed to be owned by McLean, Raymond J & O Donnell, Anna P

the same having been sold at a Judicial Sale held on 9th day of May 2019 under the authority of the provision of the said Real Estate Tax Sale Law and entered in the Court of Common Pleas of Delaware County, Pennsylvania as of 19-00235, Tax Claim Bureau Number 79-148, the property having been exposed, but unsold, at a prior Upset Sale under the authority of said Act.

IN WITNESS WHEREOF, said Grantor has hereunto caused this Deed to be executed by its Director the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

TAX CLAIM BUREAU OF DELAWARE COUNTY, TRUSTEE

By

Kathy Wike
MANAGER

(SEAL)

[Signature]
SALES COORDINATOR

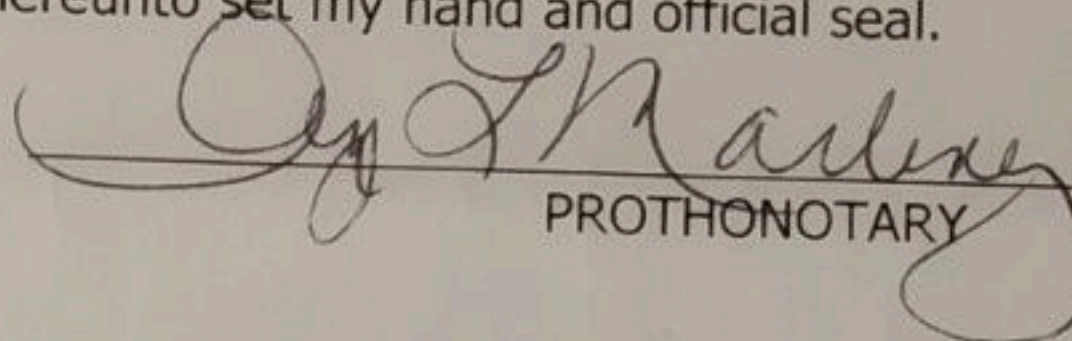
COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF DELAWARE

On this, the 19th day of June, 2019
 before me, the Prothonotary of Delaware County, the undersigned officer, personally
 appeared, Kathy S. Wike, Manager of the Tax Claim Bureau of the County of Delaware,
 Commonwealth of Pennsylvania, known to me to be the person described in the foregoing instrument
 and acknowledged that he executed the same in the capacity therein stated and for the purpose therein
 contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

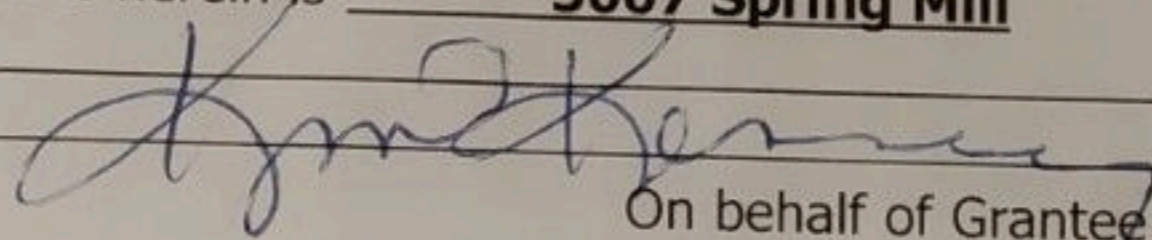

 PROTHONOTARY

(L.S.)

(SEAL)

CERTIFICATE OF RESIDENCE

I hereby certify that the precise address of the Grantee herein is 3007 Spring Mill
Road Plymouth Meeting, PA 19462


 On behalf of Grantee

DEED

TAX CLAIM BUREAU
 OF
 DELAWARE COUNTY, PENNSYLVANIA

TO

GRANTOR: **McLean, Raymond J & O Donnell, Anna P**GRANTEE: **Capriotti, Erin**PREMISES: **515 13th Avenue**FOLIO #: **33-00-02163-00**

MAIL TAX BILL TO:

Capriotti, Erin
3007 Spring Mill Road
Plymouth Meeting, PA 19462

RETURN DOCUMENT TO:
 TAX CLAIM BUREAU
 MEDIA, PA.

RECORDED in the Office for Recording of Deeds in and for Delaware County, Pennsylvania, in

Deed Book _____ Page _____.

WITNESS my hand and seal of Office this _____ day of Anno Domini _____

LEGAL DESCRIPTION

Folio # 33-00-02163-00

ALL THAT CERTAIN LOT OR PIECE OF LAND WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE IN THE BOROUGH OF PROSPECT PARK, COUNTY OF DELAWARE AND STATE OF PENNSYLVANIA, BEING LOT # 40 ON A CERTAIN PLAN OF LOTS AND DESCRIBED ACCORDING THERETO AS FOLLOWS:

SITUATE ON THE NORTHWEST SIDE OF 13TH AVENUE AT THE DISTANCE OF 169 FEET 3 INCHES SOUTHWESTWARD FROM THE SOUTHWEST SIDE OF AMOSLAND ROAD.

CONTAINING IN FRONT OR BREADTH ON THE SAID 13th AVENUE 50 FEET AND EXTENDING OF THAT WIDTH IN LENGTH OR DEPTH NORTHWESTWARD 150 FEET; BOUNDED ON THE NORTHEAST, NORTHWEST AND SOUTHWEST BY LANDS NOW OR LATE OF SARAH MOOR DURNING AND ON THE SOUTHEAST BY 13th AVENUE AFORESAID.

BEING KNOWN AS #515 13th AVENUE.

FOLIO # 33-00-02163-00.

BEING THE SAME PREMISES WHICH ROBERT B. LEONARD AND MARY BETH LEONARD, HIS WIFE BY DEED DATED JULY 15, 1991 and RE- RECORDED OCTOBER 15th, 1991 IN MEDIA, DELAWARE COUNTY IN DEED BOOK Vol. 888, PG. 1931 GRANTED AND CONVEYED UNTO RAYMOND J. MC LEAN.

EXHIBIT 3

Name and Address of Sender


UVU-CS 0152

Check type of mail or service:

- ☐ Certified
☐ COD
☐ Registered
☐ Delivery Confirmation
☐ Express Mail
☐ Insured
- ☐ Recorded Delivery (International)
☒ Return Receipt for Merchandise
☐ Signature Confirmation

Affix Stamp Here
(If issued as a
certificate of mailing,
or for additional
copies of this bill)
Postmark and
Date of Receipt

Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1. RF 189 901 289 US	DANIELLE BRADLEY 225 WOLFENDEN AVE COLLINGDALE PA 19023 11-00-03136-00											
2. RF 189 901 292 US	ROBERT AND EDYTHE MAZER 8229 STENTON AVE PHILADELPHIA PA 19150 49-02-02013-00											
3. RF 189 901 301 US	ROBERT MAZER 8229 STENTON AVE PHILADELPHIA PA 19050 49-06-00113-00											
4. RF 189 901 315 US	KHALED MALIK 118 ACADEMY LN BROOMALL PA 19008 16-04-01224-00											
5. RF 189 901 329 US	LONDON PARTNERSHIP 356 ROBINSON DR BROOMALL PA 19008 49-02-01182-00											
6. RF 189 901 332 US	CARMELA REILLY 256 WARREN BLVD BROOMALL PA 19008 19-00-00288-12											
7. RF 189 901 346 US	ALLIANCE BANK 541 LAWRENCE RD BROOMALL PA 19008 38-05-00167-00											
8. RF 189 901 350 US	DEL CO ECONOMIC DEVELOPMENT 1 SOUTH OLIVE ST MEDIA PA 19063 49-11-00645-00											



U.S. POSTAGE PITNEY BOWES
ZIP 19063 02 4W
0000347478 MAR 08 2019

See Privacy Act Statement on Reverse

Postmaster, Per (Name of receiving employee)

James Lockard

Complete by Typewriter, Ink, or Ball Point Pen

Total Number of Pieces
Listed by Sender 8

Total Number of Pieces
Received at Post Office 8

PS Form 3877, February 2002 (Page 1 of 2)

Name and Address of Sender

UVU-CS 0152

Check type of mail or service:

- ☐ Certified
☐ COD
☐ Delivery Confirmation
☐ Express Mail
☐ Insured
☐ Recorded Delivery (International)
☒ Registered
☐ Return Receipt for Merchandise
☐ Signature Confirmation

Affix Stamp Here
 (If issued as a
 certificate of mailing,
 or for additional
 copies of this bill)
 Postmark and
 Date of Receipt

Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1. RF 189 900 266 US	HUD 451 7TH ST SW WASHINGTON DC 20410 33-00-02163-00											
2. RF 189 900 270 US	NORTHEAST SAVINGS 50 STATES ST HARTFORD CT 06013 33-00-02163-00											
3. RF 189 900 283 US	GREEN TREE SERVICING LLC 7360 S KYRENE RD T314 TEMPE AZ 85283 34-00-00717-01											
4. RF 189 900 297 US	SUSQUEHANNA BANK SSR 100 W ROAD SUITE 200 BALTIMORE MD 21204 38-01-00523-00											
5. RF 189 900 306 US	JP MORGAN CHASE BANK TR 450 W 33RD ST 15TH FL NEW YORK NY 10001 38-01-00524-00											
6. RF 189 900 310 US	SUSQUEHANNA BANK SSR 100 W ROAD SUITE 200 BALTIMORE MD 21204 38-01-00524-00											
7. RF 189 900 323 US	COBA INC C/O FLORINDA FRANKLIN 2 PORTLAND SQ PORTLAND ME 04112 38-03-01631-00											
8. RF 189 900 337 US	MASTER PARTICIPATION TRUST 13801 WIRELESS WAY OKLAHOMA CITY OK 73134 49-08-00627-01											
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	See Privacy Act Statement on Reverse										

Complete by Typewriter, Ink, or Ball Point Pen

PS Form 3877, February 2002 (Page 1 of 2)